IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4099 OF 2005

Zaheer Abbas Lakdawala. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri Rajendra Bidkar for the Applicant.

Ms.M.H.Mhatre, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 13th July, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Applicant and the learned A.P.P. Offence alleged against the Applicant and other co-accused is under sections 489(B) and 489(C) of the Indian Penal Code. In September 2004 the Police found fake currency notes in a locker which was standing in the name of the co-accused Imrankhan. On 24th November 2004 the Applicant was arrested.

2. I perused the order passed by the learned Adhoc Additional Sessions Judge by which the application made by the Applicant for bail was rejected. At this stage as fairly submitted by the learned A.P.P., there is no material on record to show involvement of the Applicant. Nothing is found in possession of the Applicant and there is no recovery at his instance. While rejecting the application made by the Applicant, the learned Adhoc

Additional Sessions Judge has stated that the statement of one Rashi Kohli shows that the Applicant had knowledge about the counterfeit currency. On a plain reading of the said statement, it is impossible to come to the conclusion that the said statement supports the case of the prosecution either under section 489(B) and 489(C) of the IPC.

3. The learned A.P.P. submitted that the trial is about to commence before a fast track Court. If there was some material against the Applicant, this was a ground to reject the application. However, this is a case where there is absolutely no material available against the Applicant to show his complicity, save and except the vague statement of witness Rashi. The trial may not be over in near future considering the nature of evidence involved in the matter. Hence, the Applicant is entitled to be enlarged on bail.

4. In view of the above, the following order is passed:

(i) The Applicant shall be enlarged on bail in connection with C.R.No.434 of 2004 Santacruz Police Station, subject to furnishing a personal bond of Rs.10,000/- with one or two local sureties in like amount.

(ii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iii) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) Application is disposed of in above terms.

(vi) The parties to act upon an authenticated copy of this order.

Judge.